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FM AMEMBASSY BAGHDAD  
TO SECSTATE WASHDC IMMEDIATE 0027  
INFO WHITE HOUSE NSC WASHDC  
SECDEF WASHINGTON DC  
IRAQ COLLECTIVE

C O N F I D E N T I A L BAGHDAD 000017

STATE FOR NEA/NGA

E.O. 12958: DECL: 07/01/2014  
TAGS: [PTER](#) [PGOV](#) [PREL](#) [PINS](#) [MARR](#) [IZ](#)  
SUBJECT: USEB 018: IRAQI GOVERNMENT SIGNALS TOUGHER  
SENTENCES FOR CRIMINALS AND TERRORISTS

REF: BAGHDAD 00001

CLASSIFIED BY DCM JAMES JEFFREY FOR REASONS 1.4 (B) AND (D).

¶1. (C) SUMMARY. SENIOR IRAQI INTERIM GOVERNMENT (IIG) OFFICIALS ARE MAKING CLEAR THAT THEY BELIEVE TOUGHER MEASURES NEED TO BE TAKEN TO DEFEAT VIOLENCE. THEY HAVE BEEN CLEAR THAT TRANSPARENT RULE OF LAW PROCEDURES WOULD STILL APPLY. THE ISSUE MAY BE MORE COMPLICATED IN THE FIELD. END SUMMARY.

¶2. (C) SENIOR IRAQI OFFICIALS HAVE MADE A PARTICULAR POINT OF MAKING SURE THAT WE ARE AWARE THEY INTEND TO TAKE A TOUGH LINE AGAINST VIOLENCE. THIS WAS A THEME IN AMBASSADOR NEGROPONTEQS PRESENTATION OF CREDENTIALS (REFTEL) AS WELL AS IN FOREIGN MINISTER ZEBARIQS CONVERSATION JUNE 28 WITH SECRETARY OF DEFENSE RUMSFELD.

¶3. (C) FOREIGN MINISTER ZEBARI GAVE MORE DETAIL IN A JUNE 28 DISCUSSION WITH POL/MIL COUNSELOR NEUMANN. ZEBARI CHARACTERIZED THE THREAT AS BEING THREE FOLD; BAQATHISTS, TERRORISTS AND CRIMINALS. HE SAID THE THIRD CATEGORY IS PROVIDING A LARGE BASE OF LOGISTICS SUPPORT TO THE TERRORISTS. UP TO NOW THE COALITION HAS SUSPENDED THE DEATH PENALTY BUT IRAQ IS NOW SOVEREIGN; LEAVING THE IMPLICATION IT WILL BE RE-IMPOSED. HE CONTINUED THAT IRAQIS ARE USED TO SEEING JUSTICE MORE DIRECTLY THAN THEY HAVE UNDER THE COALITION. HE NOTED THAT IN MANY ARAB COUNTRIES IT IS NORMAL TO SEE TELEVISED CONFESSIONS, BUT THE CPA HAD NOT ALLOWED THIS. ZEBARI ASSURED NEUMANN THAT REASONABLE INTERNATIONAL LEGAL NORMS WOULD CONTINUE TO PREVAIL WITH TRIALS AND OBSERVANCE OF LAWS. HOWEVER, HE LEFT LITTLE DOUBT THAT WE SHOULD EXPECT TOUGHER MEASURES.

¶4. (C) WE ARE HEARING SOME TALK OF THE PRIME MINISTER IMPOSING A STATE OF EMERGENCY. HIS OFFICE SEEMS TO BE RESEARCHING THIS WITH LAWYERS TO INSURE THAT IT IS CONSISTENT WITH NORMALLY ACCEPTED LEGAL PRINCIPLES. BEFORE THE END OF CPA, ALLAWI WAS BRIEFED BY CPA LEGAL ON WHAT HE COULD AND COULD NOT DO IN THIS REGARD IN VIEW OF THE TAL AND OPERATIVE IRAQI LAW. THE BOTTOM LINE POINT MADE TO HIM WAS THAT HE WOULD HAVE TO FOLLOW DUE PROCESS STRICTLY, HAVE VALID JUSTIFICATION, AND FOR MOST ACTIONS HAVE TO PASS A LAW Q- NOT EASY CONSIDERING THE CONDITIONS THE IIG MUST OPERATE UNDER.

¶5. (C) COMMENT. THE IIG IS FIGHTING FOR ITS LIFE, LITERALLY IN THE CASE OF SECURITY FORCES AND OFFICIALS. THESE CONVERSATIONS HAVE EXPLICITLY STATED THAT CHANGES WOULD BE CONSISTENT WITH ACCEPTED LEGAL NORMS. WE HAVE NOT SIGNALLED ANY DISAPPROVAL ALTHOUGH WE HAVE POINTEDLY ASKED ABOUT LEGAL NORMS AND RECEIVED THE ASSURANCES NOTED ABOVE. THE IIG KNOWS THAT IT HAS TO CONSULT WITH US ON CONSTRUCTING A STATE OF EMERGENCY LAW SINCE ITS ENFORCEMENT COULD INVOLVE COALITION FORCES. AN EMERGENCY LAW USED TO STIFLE POLITICAL DEVELOPMENT OBVIOUSLY WOULD NOT BE HELPFUL. AN EMERGENCY LAW THAT RESTORES PUBLIC CONFIDENCE ON SECURITY WHILE ALSO ALLOWING FREE POLITICAL DEBATE AND COMPETITION WOULD BE A POSITIVE DEVELOPMENT. A SEPARATE PROBLEM MAY BE TO EXPLAIN TO IRAQI SECURITY FORCES THAT BEING SOVEREIGN DOESNQT MEAN THEY CAN BEAT PRISONERS. U.S.

MILITARY PERSONNEL HAVE ALREADY INTERVENED TO STOP ONE  
SMALLISH INCIDENT BUT WE THINK OTHERS WILL BE LIKELY.  
ORDERS TO COALITION FORCES NOT TO ALLOW SUCH ACTIONS ARE  
CLEAR. END COMMENT.

NEGROPONTE